

1/4/79 -- mjw

ORDINANCE NO. 8-79


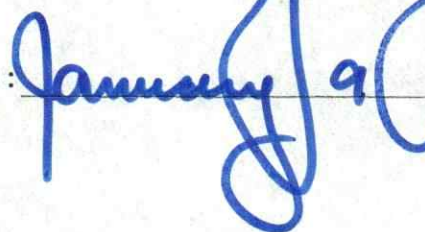
An ordinance authorizing the Mayor to enter into a contract with the Board of Stark County Commissioners for the appropriation of right of way within the City of North Canton for the improving of Whipple Avenue from its intersection with Everhard Road northerly to where the relocated portion of Whipple Avenue intersects with Portage Street and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Mayor of the City of North Canton, Ohio, be, and is hereby authorized to enter into a contract with the Board of Stark County Commissioners for the appropriation of right of way within the City of North Canton for the improving of Whipple Avenue from its intersection with Everhard Road northerly to where the relocated portion of Whipple Avenue intersects with Portage Street.

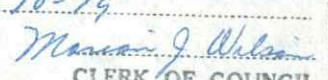
Section 2. This ordinance is hereby declared to be an emergency measure necessary for the health, safety and peace of the City of North Canton, and necessary to facilitate an expeditious acquisition of right of way for a necessary street improvement project, and shall take effect and be in force immediately upon adoption by the Mayor.

North Canton, Ohio,
Adopted: January 8, 1979


MAYOR
SIGNED: , 1979

ATTEST:


CLERK OF COUNCIL

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CLERK OF COUNCIL

AMENDED AGREEMENT

THIS AGREEMENT made and entered into this 17 day of January, 19 79, by and between the COUNTY OF STARK, a political subdivision organized and existing under the laws of the State of Ohio (hereinafter referred to as the COUNTY), duly authorized by a resolution adopted by its Board of County Commissioners on the 17 day of January, 19 79, and the CITY OF NORTH CANTON, a municipal corporation organized and existing under the laws of the State of Ohio (hereinafter referred to as the CITY), duly authorized by Ordinance No. 8-79 passed by its Council on the 8th day of January, 1979.

(1) WHEREAS, it is in the best interests of both the COUNTY and the CITY to participate in the PROJECT of improving Whipple Avenue from its intersection with Everhard Road northerly to where the relocated portion of Whipple Avenue intersects with Portage Street; and

(2) WHEREAS, said proposed PROJECT consists of the following:

The construction of a four lane facility of Whipple Avenue from Everhard Road northerly to Portage Street, including the preparation of construction plans and specifications, right-of-way, engineering and contingencies, all in accordance with specifications of the Ohio Department of Transportation.

(3) WHEREAS, the State of Ohio has indicated that it will allocate funds derived from the adoption of ISSUE NO. 1 approved by the electorate of the State of Ohio in November of 1968 to the COUNTY to assist in the cost of the PROJECT, by allocating the necessary funds to the county for its share of the PROJECT; and

(4) WHEREAS, the COUNTY and the CITY have entered into agreements with the Ohio Department of Transportation for this PROJECT; and

(5) WHEREAS, the COUNTY agrees to file and litigate all appropriation cases where necessary for the required Rights of Way within the CITY; and

(6) WHEREAS, the COUNTY agrees to reimburse the CITY for any expenses incurred by the CITY which are allowed to be reimbursed by the Ohio Department of Transportation arising as a direct result of this PROJECT; and

(7) WHEREAS, the PROJECT will be contracted for and supervised by the Ohio Department of Transportation; and

(8) WHEREAS, the CITY has agreed to designate the COUNTY as the sponsoring agent and the COUNTY has agreed to accept this responsibility.

NOW, THEREFORE, in consideration of these covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed by and between the parties hereto as follows:

- (A) The COUNTY shall provide all the LOCAL FUNDS necessary to complete the PROJECT over and above the ISSUE ONE FUNDS, if necessary, and in accordance with the approved plans on file with the Ohio Department of Transportation.
- (B) The COUNTY, acting for and on behalf of both the COUNTY and the CITY, under the authority of Section 307.15 of the Revised Code and other applicable statutory and constitutional provisions hereinbefore referred to, shall be the contracting party with the Director of Transportation of the State of Ohio to finance and complete the PROJECT.
- (C) The COUNTY shall provide and deposit all the LOCAL FUNDS for the PROJECT with the Director of the Ohio Department of Transportation.
- (D) The COUNTY, acting for and on behalf of the COUNTY and the CITY, under the authority of Section 307.15 of the Revised Code and other applicable statutory and constitutional provisions hereinbefore referred to shall file and litigate all appropriation cases where necessary for the required Rights of Way within the CITY.
- (E) The CITY shall authorize the Board of County Commissioners

by an ordinance to acquire the necessary rights of way within the CITY under the authority of Section 307.15 and the Ohio Department of Transportation will provide the funds needed to appropriate the necessary right of way and pay all the costs thereof.

IN WITNESS WHEREOF the COUNTY and the CITY have caused this Agreement to be executed by their respective duly authorized officers, as of the day and year first above written.

APPROVED AS TO FORM:

Randy K. Wilson
Assistant Stark County Prosecutor

STARK COUNTY COMMISSIONERS

Robert C. Schriack
Larry F. Fritsch
Norman W. J. J. J. J.

APPROVED AS TO FORM:

R. H. B. B. B.
Solicitor, City of North Canton

CITY OF NORTH CANTON, OHIO

Dennis Grady
Title: MAYOR